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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,356	10/01/2003	Roger D. Buck	WK/2003-06/US	7148

7590 08/01/2006
WARD KRAFT, INC.
P.O. BOX 938
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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,356

Applicant(s)

BUCK ET AL.

Examiner

Mark T. Henderson

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-28 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment I and II.

DETAILED OFFICE ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 7-9, 11, 12, 16, 19, 20, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Makowka (4,733,817).

Makowka discloses in Fig. 1A-4 and in Attachment I, a business form assembly, a business form intermediate, and sample collection assembly comprising: a first carrier layer (104) of a first dimension having a first ply (106A) and a second ply (110A); wherein the plies have a first and second longitudinally extending side edges (104A and 104B, as seen in Fig. 1C of Attachment I) and first and second transversely extending edges (104C and 104D); wherein the plies are secured to one another along the transversely extending end edges (104C and 104D) and secured along one of first and second longitudinally side edge (104A) to create an access opening (111A); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1B); wherein the ply with the longer width forms a flap (116A) for securing;

a second collection layer (102) comprised of first (106B) and second ply (110B); wherein the plies have a first and second longitudinally extending side edges (102A and 102B, as seen in Fig. 1C of Attachment I) and first and second transversely extending edges (102C and 102D); wherein the plies are secured to one another along the transversely extending end edges (102C and 102D) and secured along one of first and second longitudinally side edge (102A) to create an access opening (111B); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1B); wherein the ply with the longer width forms a flap (116B) for securing;

wherein the collection layer having a different and larger dimension from the carrier layer and a recordation layer; wherein the closure flaps for both the carrier and

collecting layer having two lines of weakness (114A and 114B), and two sealing closures (120A and 120B);

a plurality of recordation layers (118 or 218) having first and second transversely extending end edges (118A and 118B) and first and second longitudinally extending side edges (118C and 118D) and having a third dimension distinct from the carrier layer and collection layer (see Fig 1A); wherein each of the carrier layer, collecting layer and recordation layer are connected along the longitudinal extending edges (118A, 104B, 102B); wherein each of the layer have at least one transversely extending edges substantially aligned with one another; wherein the collection layer is suitable for receiving material items; and wherein the collection layer can include an inner envelope (which consist of an additional film layer as stated in Col. 3, lines 22-37, and extra films for padding Col. 3, lines 38-46).

2. Claims 1, 4, 19, 24, are rejected under 35 U.S.C. 102(b) as being anticipated by Harmanoglu (6,619,843).

Harmanoglu discloses in Fig. 1 and in Attachment II, a business form assembly, a business form intermediate, and sample collection assembly comprising: a first carrier layer (26) of a first dimension having a first ply (12A) and a second ply (16A); wherein the plies have a first and second longitudinally extending side edges (26A and 26B, as seen in Fig. 1 of Attachment II) and first and second transversely extending edges (26C and 26D); wherein the plies are secured to one another along the transversely extending

end edges (26C and 26D) and secured along one of first and second longitudinally side edge (26A) to create an access opening (22); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1); wherein the ply with the longer width forms a flap (28R) for securing;

a second collection layer (24) comprised of first (12B) and second ply (16B); wherein the plies have a first and second longitudinally extending side edges (24A and 24B, as seen in Fig. 1 of Attachment II) and first and second transversely extending edges (24C and 24D); wherein the plies are secured to one another along the transversely extending end edges (24C and 24D) and secured along one of first and second longitudinally side edge (24A) to create an access opening (20); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1); wherein the ply with the longer width forms a flap (28L) for securing;

wherein the collection layer having a different and larger dimension from the carrier layer and a recordation layer; wherein the closure flaps for both the carrier and collecting layer having two lines of weakness (fold line to fold flap as seen in Fig. 3), and two sealing closures (50R and 50L);

a recordation layer (28) having first and second transversely extending end edges (28A and 28B) and first and second longitudinally extending side edges (28C and 28D) and having a third dimension distinct from the carrier layer and collection layer (see Fig 1); wherein each of the carrier layer, collecting layer and recordation layer are connected

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along the longitudinal extending edges (28A, 26B, 24B); wherein each of the layer have at least one transversely extending edges substantially aligned with one another; wherein the collection layer is suitable for receiving material items; removable label having first part (44A) and second part (44B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 13-15, 18, 21, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makowka.

Makowka discloses a business form assembly, business form intermediate, and sample collection assembly comprising all the elements as claimed in Claim 1, 19, 20, 24, and 25, and as set forth above.

However, Makowka does not disclose wherein the access opening of the collection layer is disposed at a location opposite or 180 degrees from the access opening of the carrier layer; wherein the inner envelope has a barrier layer, or constructed of a static or charge free material, or metalized film layer; or has properties selected from a group including moisture, vapor, gas, light and combination thereof.

In regards to **Claims 10, 18, and 23**, it would have been obvious to place the access openings at any desired location on the layer portions of the assemblies, since it has been held that rearranging parts of an invention involves only routine skill in the art. Therefore, it would have been obvious to place the access opening of the layer portions at any desired location since applicant has not disclosed the criticality of having the access opening at a particular location, and would function equally as well at any location.

In regards to **Claims 13-15, 21 and 26**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the inner sleeve, envelope or coating of any desirable material suitable for securing an item, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Therefore, it would have been obvious to construct the envelope, sleeve, or coating of the pocket with any desired material, since applicant has not disclosed in the specification or drawings the criticality of using a particular material, and invention would function equally as well with any desired material.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmanoglu in view of Price et al (4,939,674).

Harmanoglu discloses a business form assembly comprising all the elements as recited in Claim 1 and 4, and as set forth above. However, Harmanoglu does not disclose wherein one of the first and second parts of the label contains machine readable and human readable indicia.

Price et al discloses in Fig. 4-8, a label having a human readable indicia part (602, 702, 802) and a machine-readable indicia part (601, 701, 801). In regards to Claim 6, Fig 8 depicts a first part (interior part) having both machine and human readable indicia.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harmanoglu's assembly with a label having machine and human readable indicia as taught by Price et al for providing a means in which a label can be read by a human and also read by a sensor.

5. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makowka in view of Harmanoglu.

Makowka discloses a business form assembly, business form intermediate, and sample collection assembly comprising all the elements as claimed in Claims 19 and 24, and as set forth above. Makowka further discloses wherein the recordation layer (218) can be a plurality of layers (see Fig. 4).

However, Makowka does not disclose wherein the intermediate is provided with a plurality of removable labels.

Harmanoglu disclose wherein a label can be placed on the recordation layer.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mokowka's intermediate and sample collection assemblies with a label as taught by Harmanoglu for providing an alternative means in which to list pocket contents.

6. Claims 17, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmanoglu in view of Smith et al (6,281,795).

Harmanoglu discloses a business form assembly comprising all the elements as recited in Claim 1 and 24, and as set forth above. However, Harmanoglu does not disclose wherein the assembly has one or more radio frequency tags.

Smith et al discloses in Fig. 1, 2, and 4, a label (10) comprising a radio frequency tag (16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harmanoglu's business form and sample collection assemblies with a label having a radio frequency tag as taught by Smith et al for tracking purposes.

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

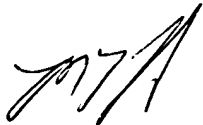
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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arway et al, Fullerton et al, Levy, Gurewitz, Clayton, Ryan, Lapsker, Makowka, Eisen et al, Barmore et al, Harmanoglu, Martin et al, Herrington et al, Robinson et al, Wilson, Irvine, Stevens, and Burke et al disclose similar assemblies. Souder et al discloses similar RF tags.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Monica Carter, can be reached at (571) 272-4475. The formal fax number for TC 3700 is (571) 273-8300.



MTH

July 23, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER

FIG. 1A.

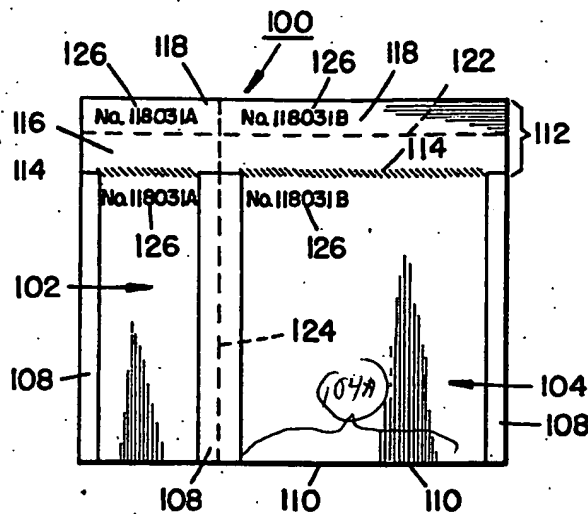


FIG. 1B.

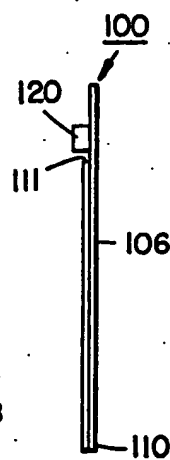


FIG. 1D.

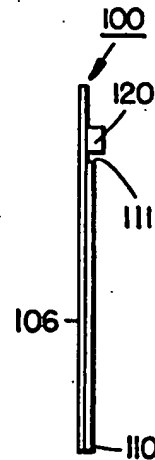


FIG. 1C.

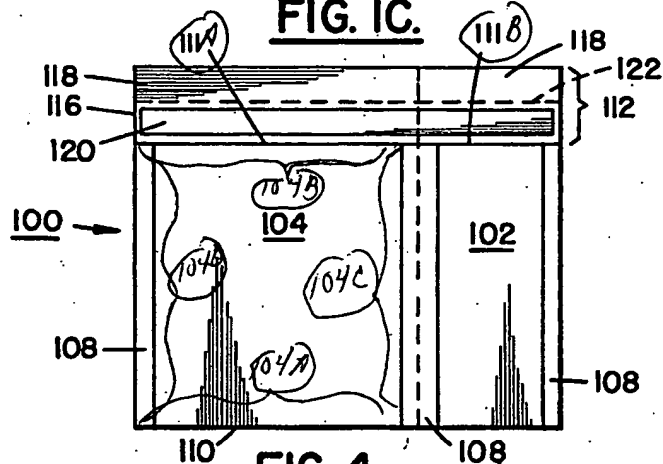
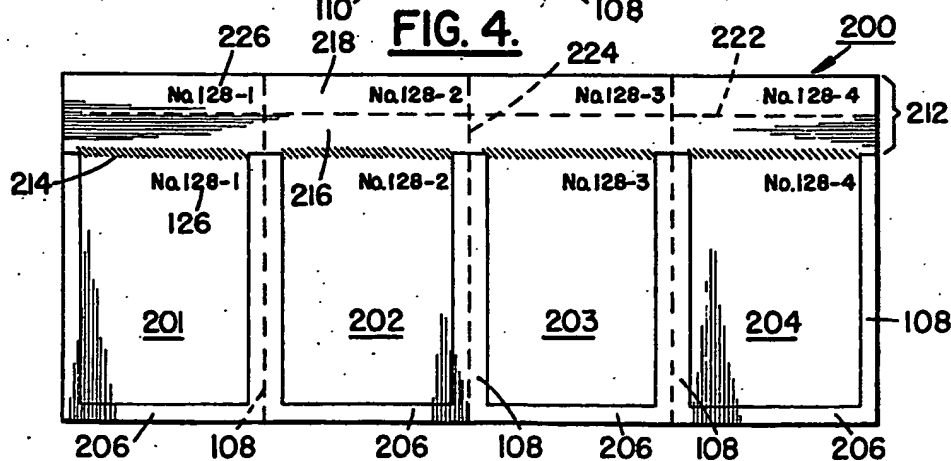


FIG. 4.



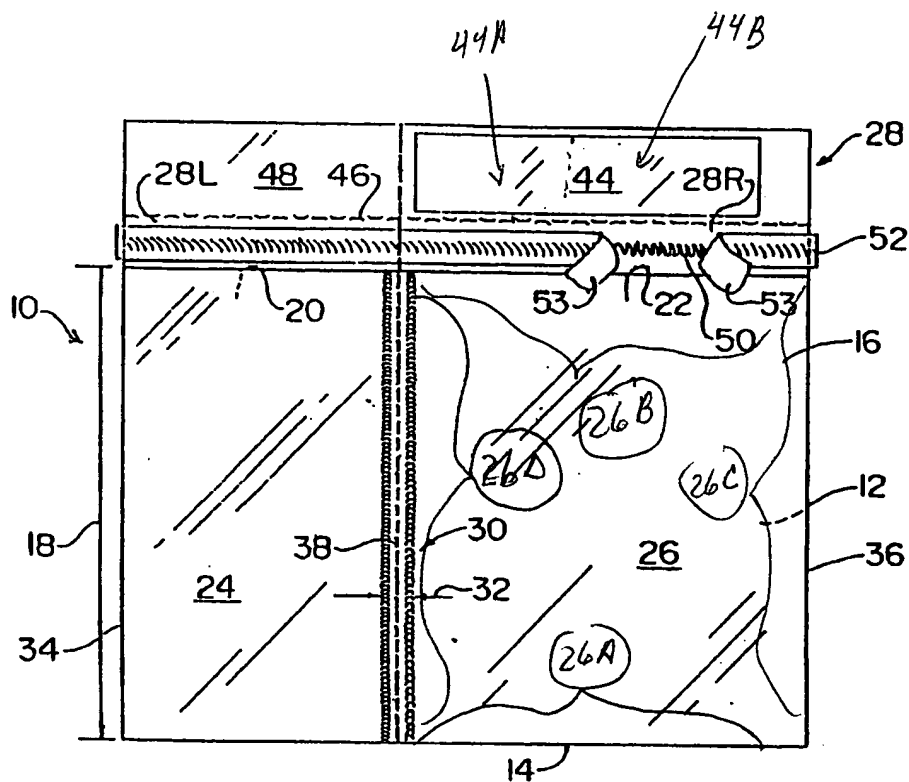


FIG. 1

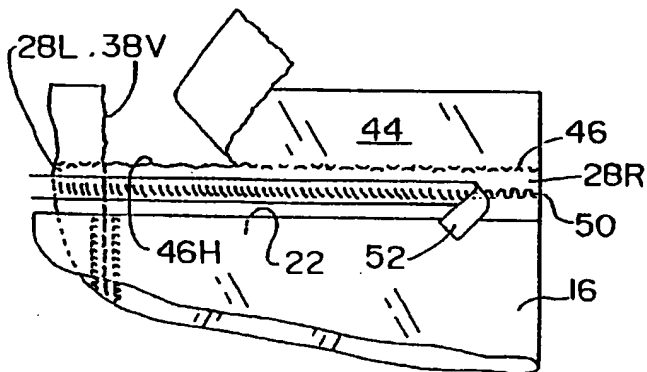


FIG. 2

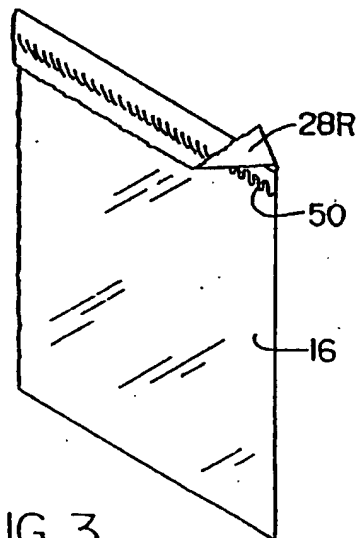


FIG. 3